

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**September 24, 1997**

DIVISION ONE

B099444      Bristol Fiberlite Industries                      (Not for Publication)  
                 v.  
                 6700 Cherry Avenue Partners

The judgment is affirmed. Bristol is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur:    Spencer, P.J.  
                         Ortega, J.

B112507      Optical Radiation Corp.                      (Not for Publication)  
                 v.  
                 The Superior Court of Los Angeles  
                 Degulis et al. (r.p.i.)

B112627      Surgidev Corp.  
                 v.  
                 The Superior Court of Los Angeles  
                 Degulis et al. (r.p.i.)

The petition is denied. The parties are to pay their own costs of these writ proceedings.

Vogel (Miriam A.), J.

We concur:    Spencer, P.J.  
                         Ortega, J.

DIVISION ONE (Continued)

B106661      Bank of Los Angeles      (Not for Publication)  
B111560      v.  
Perry

The summary judgment and the order granting Perry's motion for attorneys' fees and other costs are reversed, and the cause is remanded to the trial court with directions to (1) vacate its order granting Perry's motion for summary judgment, (2) enter new orders denying Perry's summary judgment motion and his motion for fees and costs, and (3) set the matter back on track for discovery and trial. The Bank is awarded its costs of appeal, with the issue of attorneys' fees on appeal reversed for the trial court's determination at the time of final judgment.

Vogel (Miriam A.), J.

We concur:    Spencer, P.J.  
Ortega, J.

B106507      Linder      (Not for Publication)  
v.  
Thrifty Oil Co.

The order denying certification is affirmed. The parties are to pay their own costs of appeal.

Vogel (Miriam A.), J.

We concur:    Ortega, Acting P.J.  
Dunn, J. (Assigned)

DIVISION ONE (Continued)

B112435      City of Pasadena      (Not for Publication)

v.  
The Superior Court of Los Angeles  
Morrin (r.p.i.)

Let a peremptory writ of mandate issue, directing the trial court (1) to vacate its order denying the City's motion for summary judgment, (2) to enter a new order granting that motion, and (3) to enter summary judgment in the City's favor. The stay is dissolved. The City is awarded its costs of these writ proceedings.

Vogel (Miriam A.), J.

We concur:    Spencer, P.J.  
                         Ortega, J.

B113595      Fireman's Fund Ins. Co.      (Certified for Publication)

v.  
Superior Court, Los Angeles County  
(Vickers Incorporated, r.p.i.)

Let a peremptory writ of mandate issue commanding the trial court (1) to vacate the order granting Vickers' motion for summary adjudication of Fireman's Fund's duty to defend and (2) to enter a new order denying that motion. The parties are to pay their own costs of these writ proceedings.

Vogel (Miriam A.), J.

I concur:      Ortega, J.  
I concur:      Spencer, P.J. (opinion)

B114029      Jill S.      (Not for Publication)

v.  
Superior Court, Los Angeles County  
(Dept. of Children and Family Services, r.p.i.)

The Court:

The petition is denied.

Spencer, P.J., Ortega, J., Vogel (Miriam A.), J.

September 24, 1997-Continued

## DIVISION ONE (Continued)

B098653      Nodelman      (Not for Publication)

V.

Farmers Insurance Group

The judgment of the trial court is affirmed.

Dunn, J. (Assigned)

We concur: Spencer, P.J.

Ortega, J.

B091062 Karpeles (Not for Publication)

V.

Deloitte & Touche

The judgment is affirmed.

Dunn, J. (Assigned)

We concur: Spencer, P.J.

Ortega, J.

B095647      Spalding      (Not for Publication)

V.

Vons Companies, Inc.

The judgment is affirmed.

Dunn, J. (Assigned)

We concur: Spencer, P.J.

Ortega, J.

DIVISION THREE

B102681      Suresh H. Sabnani      (Not for Publication)

v.

Board of Administration, City of Los Angeles etc.

The judgment is reversed and the cause remanded for determination consistent with the principles set forth herein. Costs to the respondent.

Dunn, J. (Assigned)

We concur:    Croskey, Acting P.J.  
                  Kitching, J.

B091830      Gilbert Vasquez etc.      (Not for Publication)

v.

James M. Gibson

The judgment is affirmed. Costs on appeal are awarded to respondent.

Klein, P.J.

We concur:    Croskey, J.  
                  Dunn, J. (Assigned)

DIVISION FOUR

B094571      R & R Masonry Inc.      (Not for Publication)

v.

Seaboard Surety Company

The judgment is reversed and the matter remanded to the trial court to enter judgment in favor of Seaboard. Seaboard shall have costs on appeal.

Hastings, J.

We concur:    Vogel (C.S.), P.J.  
                  Baron, J.

DIVISION FOUR (Continued)

B103344 Leone (Certified for Publication)

v.

Division of Medical Quality Medical Board of Calif.

The motions to dismiss the appeals are hereby denied. Our orders of October 25, 1996, and March 5, 1997, relieving the parties of their obligations to file briefs on the merits of the respective appeals, are to remain in effect pending finality of this opinion.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Hastings, J.

B101297 Ganti (Certified for Publication)

v.

Division of Medical Quality Medical Board of Calif.

The motions to dismiss the appeals are hereby denied. Our orders of October 25, 1996, and March 5, 1997, relieving the parties of their obligations to file briefs on the merits of the respective appeals, are to remain in effect pending finality of this opinion.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Hastings, J.

B105553 Halicki (Not for Publication)

v.

McCarroll

The judgment is reversed. Costs are awarded to appellant.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Baron, J.

DIVISION FOUR (Continued)

B107668      DSL Transportation Services      (Not for Publication)

v.  
State Compensation Insurance Fund

The judgment is affirmed. Costs are awarded to SCIF.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Baron, J.

DIVISION FIVE

(Not for Publication)

B104001      National Union Fire Insurance Company of Pittsburgh Pennsylvania

v.  
The Home Insurance Company

The appeal and cross-appeal from the May 2, 1996 judgment are dismissed.  
The parties are to bear their own costs on appeal.

Turner, P.J.

We concur: Armstrong, J.  
Godoy Perez, J.

DIVISION SIX

Crim.              People              (Not For Publication)

No.                  vs.

B108349      Manning

The sentence imposed is vacated and the matter is remanded for  
resentencing. In all other respects, the judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.  
Coffee, J.

DIVISION SEVEN

B096123     People  
              v.  
              Shamburger

Filed order denying petition for rehearing and modifying opinion.  
(No change in judgment.)

B105793     Private Industry Council                                 (Certified for Publication)  
              v.  
              Employment Development Department

The judgment for petitioner in case number BS033258 is affirmed. The judgment for respondents in case number BS034873 is reversed and the cause is remanded to the trial court with directions to (1) issue its peremptory writ of mandate ordering respondents to rescind Interim Directive 93-15 insofar as it requires petitioner to spend 80 percent of its JTPA funds during the program year in which those funds were allocated and to set aside the administrative decision under the directive to recapture petitioner's JTPA funds for the 1993-1994 program year and (2) determine petitioner's entitlement to attorneys' fees and such other relief as may be proper. In both cases, petitioner is awarded its costs on appeal.

Johnson, J.

We concur: Lillie, P.J.  
              Woods, J.

B111729     Cassim  
              v.  
              Superior Court, Los AngelesCounty  
              Birkmeyer, R.P.I.

Filed order denying petition for rehearing.



September 24, 1997-Continued

DIVISION SEVEN (Continued)

B099269 People (Not for Publication)  
v.  
Whitfield

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.  
Neal, J.

B102559      People                                  (Certified for Publication)  
v.  
Estrada

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.  
Neal, J.

B104377      Hall                          (Not for Publication)  
v.  
Kettering

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The order granting respondent's motion for attorney fees is reversed and the cause remanded with instructions the trial court enter an order denying that motion. Appellants to receive their costs on appeal.

Johnson, J.

We concur: Lillie, P.J.  
Woods, J.

September 24, 1997-Continued

## DIVISION SEVEN (Continued)

[illegible]

Gayle's request for remand is denied, and the judgment in favor of Respondent Robin Adair is affirmed. Costs on appeal to Respondent.

Neal, J.

We concur: Lillie, P.J.  
Johnson, J.

B107726      Irvin                          (Not for Publication)  
v.  
Legg

The judgment is affirmed. Respondent shall recover his costs on appeal.

Neal, J.

We concur: Johnson, Acting P.J.  
Woods, J.

B095716 Santa Clarita Associates (Not for Publication)  
v.  
Anderson, Ablon, Lewis, Bass & Gale

The judgment is affirmed. Respondents to recover costs on appeal.

Johnson, J.

We concur: Lillie, P.J.  
Woods, J.